

# House Amendment 1339

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1 1 Amend House File 786 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. NEW SECTION. 626D.1 TITLE.  
1 5 This chapter shall be cited as the "Recognition and  
1 6 Enforcement of Tribal Court Civil Judgments Act".  
1 7 Sec. 2. NEW SECTION. 626D.3 DEFINITIONS.  
1 8 As used in this chapter:  
1 9 1. "Tribal court" means any court of any Indian  
1 10 tribe which is federally recognized by the United  
1 11 States department of interior, bureau of Indian  
1 12 affairs as a recognized Indian tribal entity. A  
1 13 "tribal court" must be a court of record.  
1 14 2. "Tribal judgment, order, or decree" means any  
1 15 final written judgment, order, or decree of a tribal  
1 16 court of record duly authenticated in accordance with  
1 17 the laws and procedures of the tribe or tribal court  
1 18 of record and in accordance with this chapter.  
1 19 Sec. 3. NEW SECTION. 626D.4 FILING PROCEDURES.  
1 20 1. A copy of any tribal judgment, order, or decree  
1 21 may be filed in the office of the clerk of court in  
1 22 any county in this state.  
1 23 2. The person filing the tribal judgment, order,  
1 24 or decree shall make and file with the clerk of court  
1 25 an affidavit setting forth the name and last known  
1 26 address of the party seeking enforcement and the  
1 27 responding party. Upon the filing of the tribal  
1 28 judgment, order, or decree, and accompanying  
1 29 affidavit, the enforcing party shall serve upon the  
1 30 responding party a notice of filing of the tribal  
1 31 judgment, order, or decree together with a copy of the  
1 32 judgment, order, or decree in accordance with rule  
1 33 1.442 of the Iowa rules of civil procedure. The  
1 34 enforcing party shall file proof of service or mailing  
1 35 with the clerk of court. The notice of filing shall  
1 36 include the name and address of the enforcing party  
1 37 and the enforcing party's attorney, if any, and shall  
1 38 include the text contained in sections 626D.5 and  
1 39 626D.6.  
1 40 Sec. 4. NEW SECTION. 626D.5 RESPONSES.  
1 41 Any objection to the enforcement of a tribal  
1 42 judgment, order, or decree shall be filed within  
1 43 thirty days of receipt of the mailing of the notice of  
1 44 filing the judgment, order, or decree. If an  
1 45 objection is filed within such time period, the court  
1 46 shall set a time period for a formal response to the  
1 47 objection and shall set the matter for hearing.  
1 48 Sec. 5. NEW SECTION. 626D.6 RECOGNITION OF  
1 49 TRIBAL JUDGMENTS.  
1 50 1. Unless objected to pursuant to section 626D.5,  
2 1 a tribal judgment, order, or decree shall be  
2 2 recognized and enforced by the courts of this state to  
2 3 the same extent and with the same effect as any  
2 4 judgment, order, or decree of a court of this state.  
2 5 2. If no objections are timely filed, the clerk  
2 6 shall issue a certification that no objections were  
2 7 timely filed and the tribal judgment, order, or decree  
2 8 shall be enforceable in the same manner as if issued  
2 9 by a valid court of this state.  
2 10 3. A tribal judgment, order, or decree shall not  
2 11 be recognized and enforced if the objecting party  
2 12 demonstrates by a preponderance of the evidence at  
2 13 least one of the following:  
2 14 a. The tribal court did not have personal or  
2 15 subject matter jurisdiction.  
2 16 b. The defendant was not afforded due process.  
2 17 4. The court may recognize and enforce a tribal  
2 18 judgment, order, or decree on equitable grounds. The  
2 19 court may decline to recognize and enforce a tribal  
2 20 judgment, order, or decree for any of the following  
2 21 reasons:  
2 22 a. The tribal judgment, order, or decree was  
2 23 obtained by fraud, duress, or coercion.  
2 24 b. The tribal judgment, order, or decree conflicts

2 25 with another final judgment, order, or decree that is  
2 26 entitled to recognition in this state.  
2 27 c. The tribal judgment, order, or decree is  
2 28 inconsistent with the parties' contractual choice of  
2 29 forum.  
2 30 d. The tribal court does not grant full faith and  
2 31 credit to a judgment, order, or decree of a court of  
2 32 this state.

2 33 e. Recognition of the tribal judgment, order, or  
2 34 decree or the cause of action or defense upon which  
2 35 the tribal judgment, order, or decree is based is  
2 36 against the public policy of the United States or this  
2 37 state.

2 38 Sec. 6. NEW SECTION. 626D.7 STAY.

2 39 If the objecting party demonstrates to the court  
2 40 that an appeal from the tribal judgment, order, or  
2 41 decree is pending or will be taken or that a stay of  
2 42 execution has been granted, the court shall stay  
2 43 enforcement of the tribal judgment, order, or decree  
2 44 until the appeal is concluded, the time for appeal  
2 45 expires, or the stay of execution expires or is  
2 46 vacated.

2 47 Sec. 7. NEW SECTION. 626D.8 CONTACTING COURTS.

2 48 The district court, after notice to the parties,  
2 49 may attempt to resolve any issues raised regarding a  
2 50 tribal court judgment, order, or decree pursuant to  
3 1 section 626D.4 or 626D.6, by contacting the tribal  
3 2 court judge who issued the judgment.

3 3 Sec. 8. NEW SECTION. 626D.9 APPLICABILITY.

3 4 1. This chapter shall govern the procedures for  
3 5 the recognition and enforcement by the courts of this  
3 6 state of a civil judgment, order, or decree issued by  
3 7 a tribal court of any federally recognized Indian  
3 8 tribe. This chapter does not apply to tribal  
3 9 judgments, orders, or decrees for which federal law  
3 10 requires that states grant full faith and credit  
3 11 recognition or for which state law mandates different  
3 12 treatment.

3 13 2. A tribal court judgment may be recognized and  
3 14 enforced pursuant to this chapter only if the  
3 15 underlying cause of action accrued on or after the  
3 16 effective date of this Act. The date of accrual shall  
3 17 be determined by the laws of this state.

3 18 3. This chapter shall not be deemed or construed  
3 19 to expand or limit the jurisdiction of either this  
3 20 state or any Indian tribe.>

3 21 #2. By renumbering as necessary.

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